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VIA CM/ECF FILING

November 15, 2024

The Honorable Margo K. Brodie
United States District Court
For the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: *State Farm Mut. Auto. Ins. Co. v. Tri-Borough NY Med. Prac. P.C.*,
No. 1:21-cv-5523 (E.D.N.Y.) – Proposed Order Modifying the
Preliminary Injunction Following the Second Circuit’s Decision**

Dear Chief Judge Brodie:

This letter is submitted on behalf of Plaintiffs State Farm Mutual Automobile Insurance Company (“State Farm Mutual”) and State Farm Fire and Casualty Company (“State Farm Fire”) (collectively, the “State Farm Companies”) regarding the preliminary injunction in the above-referenced case following remand by the United States Court of Appeals for the Second Circuit.

As you know, the State Farm Companies obtained a preliminary injunction from this Court that enjoined the Defendants from commencing any further no-fault arbitrations, stayed all pending no-fault insurance arbitrations that the Defendants had filed, and enjoined the Defendants from commencing any new no-fault lawsuits against the State Farm Companies (Docket Entry No. 237). The Court denied the State Farm Companies’ motion to the extent it sought to stay pending no-fault insurance lawsuits that had been filed in state court (Docket Entry No. 237). Both sides appealed (Docket Entry Nos. 244, 245, 247, 254 & 260).

On October 24, 2024, the United States Court of Appeals for the Second Circuit issued an opinion that found no error or abuse of discretion in this Court’s order enjoining the Defendants but reversed the part of the order that declined to enjoin the pending state-court proceedings. *State Farm Mut. Auto. Ins. Co. v. Tri-Borough NY Med. Prac. P.C.*, --- F.4th ---, ---, 2024 WL 4559452, at *8-23 (2d Cir. 2024). It then remanded the matter to this Court “to craft the particular terms of the appropriate injunction” *Id.* at --- & n.15, 2024 WWL 4559452, at *23 & n.15.

To aid the Court following yesterday’s issuance of the mandate, which returned jurisdiction to this Court, the State Farm Companies respectfully submit a proposed order (enclosed) that would modify the scope of the existing injunction consistent with the Second Circuit’s decision by extending the terms of the preliminary injunction to apply to the pending state-court proceedings.

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We respectfully request that the Court enter the proposed order—or such other language consistent with the Second Circuit’s decision as the Court deems appropriate—as expeditiously as possible to ensure the Defendants’ pending state-court lawsuits are brought to an immediate halt.

Respectfully submitted,

/s/ Jonathan L. Marks

Jonathan L. Marks

Enclosure (Proposed Order)